

King County Board of Health

Secure Medicine Return

MINUTES

March 14, 2013

2:00 PM – 4:00 PM

Location: Chinook Building, 401 Fifth Avenue, Seattle, Rooms 1312, 13th Floor

Sub Committee Members: Chair Joe McDermott, Board of Health members David Baker, Richard Conlin, Dr. Bud Nicola, and Public Health Director Dr. David Fleming

Staff: Doreen Booth, Anne Burkland, Amy Eiden, Robin Fox, Jennifer Muhm, Margaret Shield, Erik Sund, Roman Welyczko, Maria Wood

Attendees: Rudy Garza, Coalition for Drug-Free Youth; Suellen Mele, Zero Waste Washington; Helen St John, League of Women Voters; Lisa Hart, University of Washington, King County Nurses Association; Deanne Calvert, Sanofi

Time	Agenda Item
2:00	Introductions – Chair McDermott
2:05	The February 21, 2013 Secure Medicine Return Subcommittee meeting minutes were approved without change.
2:10	<p>Review draft Rule and Regulation (R&R) – Dr. Margaret Shield, Amy Eiden, PAO, Roman Welyczko.</p> <p>General overview of structure and provisions</p> <p>Mr. Welyczko described that this draft establishes a new chapter in existing Board of Health Title 3 per the preference of the code reviser to utilize existing titles where possible. Dr. Shield explained that staff will be adding a Findings section at the beginning of the document that will include background and other information about the intentions of the rule and regulation, including “encouragements” to stakeholders on how to participate in the secure medicine return system in King County.</p> <p>Sect. 8: Product stewardship plans – Collection of covered drugs</p> <p>Section 8. A: The Subcommittee discussed whether locations other than pharmacies and law enforcement could participate as drop off locations. Dr. Shield explained how the draft R&R</p>

reflected the Subcommittee's decision to primarily utilize pharmacies and law enforcement agencies as drop-off collectors. Subcommittee discussion indicated an interest in including provisions to allow drug producers to include other types of drop-off locations appropriately, but give producers the option of selecting those other collectors. Language describing criteria to participate as a collector would need to be added.

Boardmember Nicola noted that the draft R&R does not have a definition for "retail pharmacy;" staff will make the addition.

Section 8. C

Subcommittee suggested adding language to require drug producers to notify pharmacies and law enforcement agencies of the process to apply to be a collector. In addition, LHWMP will also notify these potential collectors during start-up period; however, this activity will not be prescribed in the R&R.

Section 8. D

Discussed service goal language which was designed to meet Subcommittee's intent to specify an "alternative standard" of service if participation by voluntary collectors does not ensure adequate access to all residents. Boardmember Conlin suggested considering 95% instead of 90% for population coverage within a 15 mile radius of a drop-off site, Boardmember Nicola agreed. Subcommittee members suggested doing a mapping exercise to determine the coverage with existing pharmacies and law enforcement offices. Dr. Shield said LHWMP staff would acquire GIS mapping analysis to assist with the Subcommittee's decision.

Dr. Fleming requested clearer language around city geography, and suggested more clarity that law enforcement participation in collection events is voluntary. Dr. Shield suggested further staff work on the "city" language and suggested a separate subsection could be created in the R&R for provisions relating to collection events.

Chair McDermott reiterated the Subcommittee's interest in making sure that plans use pharmacies and law enforcement as primary collection method.

Sect. 10:Product stewardship plans – Disposal of covered

drugs

Dr. Shield provided a handout reflecting Subcommittee discussion at the 2/21/13 stakeholder meeting about prioritizing final disposal locations. The alternative language altered Section 10. A. to require disposal of collected covered drugs at a hazardous waste disposal facility then added a new subsection that defined a process where the Director could grant approval for producers to use a properly permitted large municipal solid waste combustor if use of a hazardous waste facility is not feasible based on cost, logistics, or other considerations. The Subcommittee agreed to the alternative language, but asked staff to make the language more concise.

Local agency oversight, including plan review processes (language in Sections 14, 15, 16, 18)

Ms. Eiden described the roles of the Director and LHWMP. The Director would serve as the authority for enforcement and LHWMP would serve as the content expert and will have specific duties in the program's implementation

Chair McDermott mentioned a desire for "more rigor in the language about the director drawing on LHWMP expertise," and that perhaps this could be addressed in the "findings" section to be developed.

Section 9. G. 4. Concerning LHWMP responsibilities – Boardmember Baker raised concerns about the R&R directing how LHWMP uses its resources. Dr. Fleming stated his view that the BOH approves the rates that are collected to fund LHWMP and also approves the LHWMP work plan making the BOH uniquely positioned to direct the work of the program.

Section 11. B. Concerning LHWMP's responsibility to purchase secure drop boxes as a part of startup costs. Dr. Fleming suggested that this be an ongoing responsibility for LHWMP, not just for program start up. He suggested that this would provide a way to keep track of the collection sites and to ensure consistent format, signage, etc. on the boxes. Boardmember Baker agreed to bring up to LHWMP Management Coordinating Committee.

Sect. 18 – Fees for agency oversight and enforcement.

Subcommittee requested that last sentence in Section 18. C.

convey that fees fully recover, but do not exceed, costs to do the work.

The Subcommittee agreed to consider an hourly rate for plan review and annual operating oversight for at least the start-up period, since it may be difficult to estimate actual costs for a new program.

Boardmember Baker noted the omission of language in Section 18 about a plan renewal fee when producer submitted an updated stewardship plan after four years. Staff will address this oversight.

Sect. 15 – Prior approval for change

Subcommittee members suggested defining changes to “service convenience” and “major changes” to help determine when notice to the Director is required. Staff will work on revisions to Section 15.C.

Boardmember Conlin suggested adding language requiring plan websites to have a current listing of collectors/collection locations, with intent of addressing changes to collection locations that do not substantially impact service convenience.

Sect.14 – Review of proposed stewardship plans

The Subcommittee requested the list of stakeholders be deleted from Section 14. A. as they saw it as unnecessary.

As part of discussion about costs for producers, Subcommittee members discussed the language in Section 6. E. 3.

Subcommittee asked for language to clarify costs that producers are not responsible for by adding “except as otherwise noted in Section XX” for LHWMP responsibilities, and the “in kind” costs from voluntary collectors.

Sect. 16 - Enforcement language

Dr. Shield asked the Subcommittee to review the handout’s summary of timing of specific requirements. The Subcommittee made the following changes to the list:

- Require 60 days to provide list, instead of 6 months, for drug wholesales to provide the list. Dr. Fleming asked about any confidential business information concerns, and requested confirmation that the wholesalers in King

	<p>County are willing to provide.</p> <ul style="list-style-type: none"> • Deadline for plans to be approved and in operation “No later than 18 months” after final passage. The Subcommittee discussed process options for proposed stewardship plans that had been rejected multiple times as insufficient. Dr. Shield referenced Alameda County’s ordinance provision that the Department could impose a plan after multiple rejections of a plan. The Subcommittee expressed in interest in similar language empowering the Director to impose a plan after 2 rejections. Staff will develop a proposal.
3:40	<p>Next steps Did not occur</p>
3:45	<p>Executive Session – subcommittee members and staff only. The Chair stated the purpose of the executive session was to “discuss with legal counsel potential litigation to which the County is likely to become a party and public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the County.”</p> <p>The Executive Session was convened at 3:55PM and concluded at 4:08PM</p>
4:09	<p>The general meeting was adjourned with no additional business conducted following the Executive Session.</p> <p>Next meeting: To be scheduled to occur after the April 18, 2013 full Board of Health meeting</p>